IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3644 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3036/2007 Dated 28/05/2007
CMP.1821/2007 of J.M.F.C.,VARKALA

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PETITIONER/4TH ACCUSED:

JANI, S/O. AMEER ALI,
SALMA MANZIL, MEL VETTOOR JUNCTION,
VETTOOR DESOM, VETTOOR VILLAGE.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENT/STATE:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
ANJENGO, VARKALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3644 of 2007

Dated this the 18th day of June, 2007

ORDER

Application for regular bail. Petitioner is the 4th accused. Altogether there are 17 accused persons. A crime is registered, inter alia, under Sections 402, 332 and 308 I.P.C and Sections 3 and 5 of the Explosive Substances Act as also Section 27 of the Arms Act. The alleged incident took place on 07.05.2007. On receipt of information that some accused persons had assembled in a house, the police party went to the said house. The police party was attacked. The 1st accused threw a bomb. Injuries were caused. Investigation revealed the alleged presence of the petitioner in the house as one of the miscreants. The petitioner was arrested on 13.05.2007. He continues in custody, his earlier application for bail having been dismissed by this Court as per order dated 28.05.2007.

2. The learned counsel for the petitioner submits that the petitioner who has been in custody for a period of about 37 days may now be enlarged on bail subject to appropriate conditions. The learned Public Prosecutor opposes the application vehemently. The learned Public Prosecutor submits that the investigations is not complete. The allegations are very serious. The petitioner has been identified to be a goonda and there are sufficient crimes registered

against him already. Release of the petitioner on bail would seriously interfere with the investigation, which is incomplete. In a serious crime like this, the police may be given further time to complete the investigation before the question of release of the accused on bail is considered, it is prayed. Some of the accused remain to be arrested, it is further submitted.

3. Having considered all the relevant inputs, I am satisfied that there is merit in the objection by the learned Public Prosecutor . In a serious crime like this, certainly the police deserve to be granted some more time to complete the investigation.

4. In the result, this Bail Application is, dismissed. I may however hasten to observe that the petitioner shall be at liberty to move this Court or the Sessions Court again for bail at a later stage of the investigation - not at any rate, prior to 02.07.2007. The police shall, in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-